

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

11-cr-10342

UNITED STATES OF AMERICA

v.

LAWRENCE AMIRTO

ASSENTED TO MOTION TO CONTINUE TRIAL

Now comes the defendant and, with the government's assent, moves this Honorable Court to continue the trial in this case to a date after January 28, 2013. Codefendant William Totaro also assents.

In support of this motion the defendant notes that previously, in anticipation of a possible change of plea, the defendant requested an order directing the Probation Department to perform pre-plea calculations to determine the defendant's criminal history. The United States assented to that motion and the Court granted the motion.

In the motion for pre-plea criminal history calculations, the defendant indicated that he was inclined to enter into a plea agreement but could not make the decision whether to plead guilty without knowing his sentencing guidelines. The parties believed that criminal history calculations by the Probation Department would address questions both sides had with respect to the sentencing guidelines in this case. It is still the case that, once both parties receive the Probation Department's guidance as

to the defendant's criminal history, it is anticipated that the defendant will be able to decide forthwith whether to enter into a plea agreement with the government.

The Probation Officer assigned to comply with the Court's order has indicated that the calculations will be done around November 19, 2012. Once the calculations are provided to the parties the parties may not reach an agreement with respect to a plea. There will not be sufficient time after November 19 to prepare for the scheduled December 10 trial. Conversely, the parties anticipate reaching an agreement. Any trial preparations done between now and November 19 likely will be unnecessary and a waste of resources.

If a plea agreement is reached after receiving the criminal history calculations, the parties will be in a position to proceed with a change of plea hearing on December 10. If a plea agreement is not reached, additional time -- until after January 28, 2013 -- will be necessary to prepare for a trial.

**Respectfully Submitted**  
**LAWRENCE AMIRTO**  
**By his Attorney:**

/s/ Thomas Kerner

---

**J. THOMAS KERNER (*pro hac vice*)**  
**MA BBO # 552373**  
**Attorney at law**  
**343 Commercial Street**  
**Boston, MA 02109**  
**(617) 720-5509**  
**thomas.kerner@comcast.net**

**CERTIFICATE OF SERVICE**

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing [NEF] and paper copies will be sent to those indicated as non-registered participants.

**Date:** 10/23/2012

/s/ Thomas Kerner

---

**J. Thomas Kerner**

**BBO# 552373**